

The advertisement is a vertical banner with a light beige background. At the top is the SBI Home Loans logo, featuring a blue house icon with 'SBI' in blue and 'HOME LOANS' in black. Below the logo, the word 'presents' is written in a black serif font, flanked by three horizontal lines on each side. The main title 'magicbricks! Home Buying FESTIVAL' is prominently displayed, with 'magicbricks!' in red and black, 'Home Buying' in a large red script font, and 'FESTIVAL' in a bold black sans-serif font. Below the title, the dates '10<sup>th</sup> June - 30<sup>th</sup> June' are written in a black serif font. A horizontal line separates this section from the next. The text 'Extensive research info on investment hotspots' is in a bold black sans-serif font. Below this is a decorative line of small red dots. The text 'Attractive offers on properties' is in a black serif font. Below this is another decorative line of small red dots. The text 'Choose from 150+ projects' is in a black serif font. Below this is a third decorative line of small red dots. A red rectangular button with white text says 'Hurry, enquire now!'. At the bottom is a photograph of a smiling man with a beard, wearing a blue jacket over a white t-shirt, sitting at a desk with his hands behind his head. On the desk are a laptop, a smartphone, and a small potted plant.



SAAN VERDANTE  
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90 YEARS

lead by 303 runs with 3 wickets in hand

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Unitech, its top bosses

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Tue, 14 Jun 2016-09:38pm , New Delhi , PTI

Chairman, Managing Directors and four other  
ocused in the complaint.

ordered initiation of proceedings against real  
s top bosses in a case of alleged cheating lo  
ring him possession of a flat booked in 2006  
tio



SAAN VERDANTE  
GURGAON





The advertisement is a vertical banner with a light beige background. At the top, the SBI Home Loans logo is displayed, featuring a blue house icon with 'SBI' in blue and 'HOME LOANS' in black. Below the logo, the word 'presents' is written in a black, italicized serif font, flanked by three horizontal lines on each side. The main event title, 'magicbricks! Home Buying FESTIVAL', is prominently displayed in the center. 'magicbricks!' is in a small, black, sans-serif font, while 'Home Buying' is in a large, bold, red script font, and 'FESTIVAL' is in a smaller, bold, black, sans-serif font. Below the title, the dates '10<sup>th</sup> June - 30<sup>th</sup> June' are written in a black, sans-serif font, underlined. Three horizontal dashed lines separate the text sections. Below the first dashed line, the text 'Extensive research info on investment hotspots' is written in a bold, black, sans-serif font. Below the second dashed line, the text 'Attractive offers on properties' is written in a bold, black, sans-serif font. Below the third dashed line, the text 'Choose from 150+ projects' is written in a bold, black, sans-serif font. At the bottom of the banner, a red rectangular button with white text reads 'Hurry, enquire now!'. Below the button is a photograph of a smiling man with a beard, wearing a dark jacket over a white t-shirt, sitting at a desk with his hands behind his head. A laptop, glasses, and a small potted plant are on the desk.

Chairman Ramesh Chandra, Managing Directors  
Chandra and four other Directors have been named



Additional Sessions Judge (ASJ) Sandeep Yadav passed the order against them for the alleged offence of cheating under section 420 of IPC saying they had "guilty intention to cheat the petitioner from the beginning".

The complaint was filed by Gurgaon resident Paramvir Singh Narang alleging that he had booked a flat in Unitech Cascades at Greater Noida in 2006 for which he had paid a total sale consideration of Rs 39.07 lakh. The flat was to be handed over by April 2008 but the company failed to abide by its agreement, following which he lodged a complaint. His plea was dismissed by a magisterial court after which he filed a revision petition before sessions court.

"Since respondents after receiving total agreement payment of Rs 39.07 lakh neither offered possession of apartment nor refunded the amount with simple interest at 10 per cent per annum, it can be safely concluded that they were having guilty intention to cheat the petitioner from the very beginning of transaction," the ASJ said.

"Even the legal notice issued by complainant to accused persons was not replied. Hence, section 420 of the IPC gets attracted to the facts of present case," the judge said.

The court has ordered proceedings against M/s Unitech Ltd, its Chairman Ramesh Chandra, Managing Directors Ajay Chandra and Sanjay Chandra and Directors Anil Harish, Minoti Bahri, Ravinder Singhania and Sanjay Bahadur.

"It is clear from the averment of complaint and testimony of the complainant that respondents have neither handed over possession of the apartment to petitioner within stipulated period nor have they refunded the amount with interest. In fact, legal notice issued by petitioner in this regard went unheeded. Therefore, a clear case of cheating is made out against respondents as respondents cheated the complainant and dishonestly induced him to pay a sum of Rs 39.07 lakh to them on the promise of handing over the possession of apartment," the court said.

According to the complainant, Narang had on April 18, 2006, booked a flat in a project of Unitech Ltd and accordingly, he was allotted an apartment on the 17th floor, Tower 3, Unitech Cascades at Greater Noida.

Representatives of the accused induced and lured Narang to opt for cash-down plan promising that possession of apartment will be delivered by April 30, 2008 and, accordingly Narang opted for cash-down payment and paid a sum of Rs 39.07 lakh to the firm on June 1, 2006, it said. It was alleged in the complaint that despite written as well as verbal assurances and promises, the accused failed to give him possession of the apartment.

Narang then lodged a complaint against the firm and its top bosses which was dismissed by a magisterial court.

The sessions court, however, reversed the order of the magistrate while relying on the documents submitted by Narang who claimed to have made the entire payment already. It noted that as per a clause of the agreement between the parties, if for any reason the company is not in a position to offer the apartment altogether, the company shall offer the allottee(s) an alternative property or refund the amount in full with simple interest at 10 per cent per annum without any further liability to pay damages or any other compensation on this account. It also said the magisterial court erred in saying that complainant cannot invoke criminal proceedings by alleging cheating.

"As can be seen from complaint, pre summoning evidence and conduct of respondents, the dispute between parties is not purely a civil dispute. Dispute has attributes of criminality. It is a settled law that if same transaction leads to civil and criminal consequences, the affected party can chose either or both remedy. It is, therefore, concluded that the Additional Chief Metropolitan

Magistrate (South) erred in observing that it is a civil dispute and petitioner cannot maintain criminal proceeding by alleging cheating. The impugned order suffers from illegality and cannot be sustained. Accordingly, the revision petition is allowed and impugned order dated April 13, 2015 is set aside. Trial court is directed to proceed against respondents under section 420 of the IPC," the judge said.

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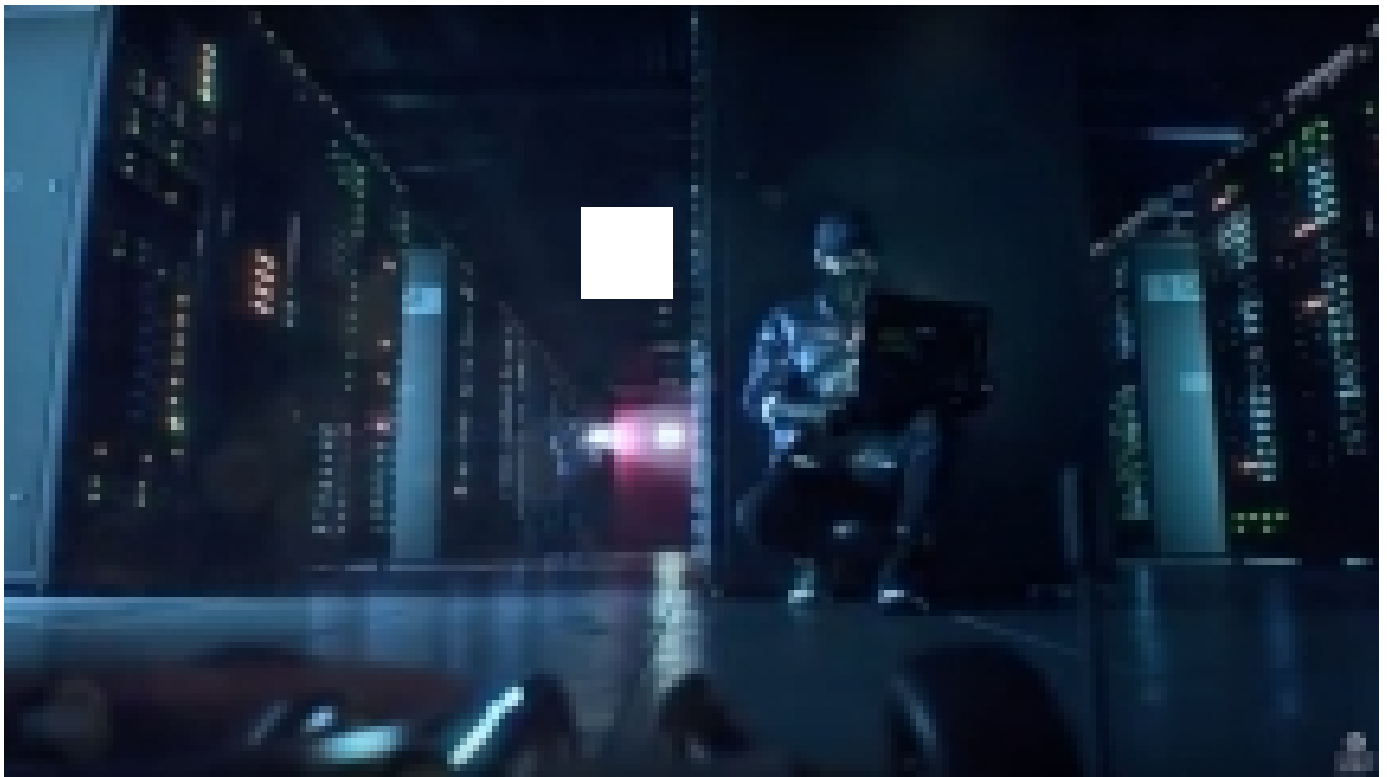
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